

North Carolina Court of Appeals

Docket Sheet

Sanders v. N.C. Dep't of Transp.

Case Number: 22-440
As of: 04/30/2024
Case Closed: Yes **Close Date:** 02-26-2024 **Case Type:** Civil (Tort, Contract, Real Property) **Mediation:** No

WILLIAM T. SANDERS,
Plaintiff,

v.

NORTH CAROLINA DEPARTMENT
OF TRANSPORTATION,
Defendant.

Docket Date: 06-09-2022 **File Date:** 06-01-2022 **File Time:** 11:11 **Acquired Date:** 06-01-2022
Bond Collected: Yes **Docket Fee:** Yes **Pauper:** No **Print Deposit:** No **State Appeals:** -

History

Venue: Cumberland (14) **Heard In:** Superior Court
To SC: **From SC:**

Lower Court Number(s)

Location: Cumberland (14)
Judge: Stephan R. Futrell
Case #: 18CVS7897

Tracking/Argue

Argue Date: 11-30-2022 #

Opinion

Opinion Date: 02-06-2024 **Cert Date:** 02-26-2024
Author: Honorable Hunter Murphy
Decision: Affirmed
Opinion Notes:
Opinion Pages: 25 **Opinion Cost:** \$ 5.00
Cite:
Slip Opinion: <https://appellate.nccourts.org/opinions/?c=2&pdf=41947>

Documents

Document	Date Recvd	Cert of Service	Rec/Brl Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
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(1) RECORD	06-01-2022	06-01-2022				06-09-2022		
(2) SUPERSEDED EXHIBIT RULE 9(D)(2)	06-01-2022	06-01-2022						

(3) M-EXT-BR	06-16-2022	06-16-2022					Allowed	06-16-2022
(4) M-AMICUS	08-01-2022	08-01-2022					Allowed	08-03-2022
(5) PWC	08-01-2022	08-01-2022		08-17-2022			Dismissed as moot	02-06-2024
(6) APPELLANT BRIEF	08-01-2022	08-01-2022				08-03-2022		
(7) APPELLANT BRIEF	08-01-2022	08-01-2022				08-03-2022		
(8) AMICUS	08-01-2022	08-01-2022				10-03-2022		
(9) M-EXT-BR	08-22-2022	08-22-2022					Allowed	08-23-2022
(10) APPELLEE BRIEF	09-30-2022	09-30-2022				10-03-2022		
(11) APPELLEE BRIEF	09-30-2022	09-30-2022				10-03-2022		
(12) REPLY	10-14-2022	10-14-2022				10-14-2022		
(13) REPLY	10-14-2022	10-14-2022				10-17-2022		
(14) ADD-AUTH	11-07-2022	11-07-2022						
(15) ADD-AUTH	01-05-2023	01-05-2023						
(16) ADD-AUTH	01-05-2023	01-05-2023						
(18) PET-REHEAR	03-12-2024	03-12-2024					Denied	03-21-2024

1 - RECORD

Filed: 06-01-2022 @ 11:11:10

FOR: Plaintiff-Appellant Sanders, William T.

BY : Ms. Stephanie H. Autry
CRANFILL SUMNER LLP

2 - RECORD SUPERSEDED EXHIBIT RULE 9(D)(2)

Filed: 06-01-2022 @ 11:14:09

FOR: Plaintiff-Appellant Sanders, William T.

BY : Ms. Stephanie H. Autry
CRANFILL SUMNER LLP

3 - M-EXT-BR (Allowed) - 06-16-2022

Filed: 06-16-2022 @ 11:35:25

FOR: Defendant-Appellant North Carolina Department Of Transportation

BY : Mr. Howard B. Rhodes
THE BANKS LAW FIRM, PA

The following order was entered:

The motion filed in this cause on the 16th of June 2022 and designated 'Joint Motion for Extension of Time to File and Serve Appellant's and Cross-Appellant's Briefs' is allowed. Plaintiff-Appellant and Defendant-Cross-Appellant shall file their respective briefs on or before 1 August 2022.

By order of the Court this the 16th of June 2022.

4 - M-AMICUS (Allowed) - 08-03-2022

Filed: 08-01-2022 @ 15:01:18

FOR:

BY : Mr. Donald Rossen Schuyler Greene
PENDER & COWARD PC

The following order was entered:

The motion filed in this cause on the 1st of August 2022 and designated 'Motion for Leave to File Brief of Amicus Curiae by International Right of Way Association' is allowed. Amicus curiae brief shall be printed.

By order of the Court this the 3rd of August 2022.

5 - PWC (Dismissed as moot) - 02-06-2024

Filed: 08-01-2022 @ 16:58:08

FOR: Defendant-Appellant North Carolina Department Of Transportation

BY : Mr. Howard B. Rhodes
THE BANKS LAW FIRM, PA

The following order was entered:

As our appellate review of the trial court's interlocutory order is proper, we dismiss Defendant-Appellant's Petition for Writ of Certiorari as moot.

By order of the Court this the 6th of February 2024.

The above order is therefore certified to the Clerk of the Superior Court, Cumberland County.

6 - APPELLANT BRIEF

Filed: 08-01-2022 @ 14:38:23

FOR: Plaintiff-Appellant Sanders, William T.

BY : Mr. George B. Autry, Jr.

7 - APPELLANT BRIEF

Filed: 08-01-2022 @ 16:01:37

FOR: Defendant-Appellant North Carolina Department Of Transportation

BY : Mr. Howard B. Rhodes
THE BANKS LAW FIRM, PA

8 - OTHER BRIEF AMICUS

Filed: 08-01-2022 @ 15:13:40

FOR:

BY : Mr. Donald Rossen Schuyler Greene
PENDER & COWARD PC

9 - M-EXT-BR (Allowed) - 08-23-2022

Filed: 08-22-2022 @ 15:13:06

FOR: Plaintiff-Appellant Sanders, William T.

BY : Ms. Stephanie H. Autry
CRANFILL SUMNER LLP

The following order was entered:

The motion filed in this cause on the 22nd of August 2022 and designated 'Joint Motion for Extension of Time to File and and Serve Appellee's and Cross-Appellee's Briefs' is allowed. Appellee and Cross-Appellee shall file their respective briefs on or before 30 September 2022.

By order of the Court this the 23rd of August 2022.

10 - APPELLEE BRIEF

Filed: 09-30-2022 @ 11:38:43

FOR: Plaintiff-Appellant Sanders, William T.

BY : Mr. George B. Autry, Jr.

11 - APPELLEE BRIEF

Filed: 09-30-2022 @ 12:11:27

FOR: Defendant-Appellant North Carolina Department Of Transportation

BY : Mr. Howard B. Rhodes
THE BANKS LAW FIRM, PA

12 - APPELLANT BRIEF REPLY

Filed: 10-14-2022 @ 09:25:02

FOR: Plaintiff-Appellant Sanders, William T.

BY : Mr. George B. Autry, Jr.

13 - APPELLANT BRIEF REPLY

Filed: 10-14-2022 @ 12:12:56

FOR: Defendant-Appellant North Carolina Department Of Transportation

BY : Mr. Howard B. Rhodes
THE BANKS LAW FIRM, PA

14 - MEMOS ADD-AUTH
 Filed: 11-07-2022 @ 14:30:32
 FOR: Defendant-Appellant North Carolina Department Of Transportation
 BY : Mr. Howard B. Rhodes
 THE BANKS LAW FIRM, PA

15 - MEMOS ADD-AUTH
 Filed: 01-05-2023 @ 10:32:54
 FOR: Defendant-Appellant North Carolina Department Of Transportation
 BY : Mr. Howard B. Rhodes
 THE BANKS LAW FIRM, PA

16 - MEMOS ADD-AUTH
 Filed: 01-05-2023 @ 13:31:28
 FOR: Plaintiff-Appellant Sanders, William T.
 BY : Mr. George B. Autry, Jr.

18 - PET-REHEAR (Denied) - 03-21-2024
 Filed: 03-12-2024 @ 15:46:08
 FOR: Defendant-Appellant North Carolina Department Of Transportation
 BY : Mr. Howard B. Rhodes
 THE BANKS LAW FIRM, PA

The following order was entered:

By unanimous vote, the petition filed in this cause on the 12th of March 2024 and designated 'Defendant-Appellee/ Cross-Appellant's Petition for Rehearing' is denied.

By order of the Court this the 21st of March 2024.

Financial Information

Receipts

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
08-03-2022	Printing	52.50	52.50	APPELLANT BRIEF	30	R082008622	08-12-2022
10-03-2022	Printing	56.00	56.00	APPELLEE BRIEF	32	R012004123	01-04-2023
10-14-2022	Printing	36.75	36.75	APPELLANT BRIEF	21	R122001522	12-05-2022
06-09-2022	Docket Fee	10.00	10.00			R062007722	06-09-2022
06-09-2022	Bond	250.00	250.00			R062007722	06-09-2022
06-09-2022	Printing	329.00	329.00	RECORD	188	R062033622	06-21-2022
	Assess	4.50	4.50			R022029024	02-15-2024
10-03-2022	Printing	38.50	38.50	OTHER BRIEF	22	R112008322	11-08-2022
06-02-2022	Docket Fee	10.00	10.00			R062007822	06-09-2022
06-09-2022	Bond	250.00	250.00			R062007922	06-09-2022
08-03-2022	Printing	162.75	162.75	APPELLANT BRIEF	93	R082005922	08-08-2022
10-03-2022	Printing	98.00	98.00	APPELLEE BRIEF	56	R102001722	10-06-2022
10-17-2022	Printing	122.50	122.50	APPELLANT BRIEF	70	R102037922	10-21-2022
	Assess	169.00	169.00			R022029124	02-15-2024
03-13-2024	Pet to Rehear	20.00	20.00			R032035224	03-18-2024

Payments

Payment Date	Payment Type	Amount	Check Number
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Exhibits**Transcript(s) Electronically Filed**

transcript-sanders-v.nc-dot-10.26.21-hearing.pdf
transcript-sanders-v.nc-dot-11.10.21-hearing.pdf
transcript-sanders-v.nc-dot-11.17.21-hearing.pdf

Parties

Party Name	Role
North Carolina Department Of Transportation	Defendant-Appellant
Sanders, William T.	Plaintiff-Appellant

Attorneys**Attorney for Plaintiff-Appellant - Sanders, William T.**

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